

REMARKS

Applicants respectfully traverse the restriction requirement of claims 89-110 as being drawn to thirteen distinct inventions for the reasons provided below.

Applicants respectfully direct the Examiner's attention to paragraph [0057] of the specification as filed, in which SEQ ID NOs: 5-10 are provided as specific examples of the motif sequence of SEQ ID NO: 4. Applicants submit that SEQ ID NO: 7 is structurally related to SEQ ID NO: 4, and a search of the motif sequence of SEQ ID NO: 4 would necessarily reveal art relevant to SEQ ID NO: 7. Accordingly, rejoinder of Groups IV and V is respectfully requested since it would not present an undue burden on the Patent Office for search purposes.

Applicants respectfully direct the Examiner's attention to paragraphs [0063] and [0064] of the specification as filed, in which SEQ ID NOs: 47-52 are provided as specific examples of the motif sequence of SEQ ID NO: 46. Applicants submit that SEQ ID NOs: 53 and 54, while not specific examples of SEQ ID NO: 46, are so structurally related to SEQ ID NOs: 46-52, that a search of SEQ ID NO: 46, would reveal art relevant to SEQ ID NOs: 53 and 54. Accordingly, rejoinder of Groups XI-XIII is respectfully requested since it would not present an undue burden on the Patent Office for search purposes.

Further, according to M.P.E.P. §803.04,

to further aid the biotechnology industry in protecting its intellectual property without creating an undue burden on the Office, the Director has decided *sua sponte* to partially waive the requirements of 37 CFR 1.141 *et seq.* and permit a reasonable number of...nucleotide sequences to be claimed in a single application.

It has been determined that normally ten sequences constitute a reasonable number for examination purposes. Accordingly, in most cases, up to ten independent and distinct nucleotide sequences will be examined in a single application without restriction.

As such, Applicants respectfully request that **SEQ ID NOs: 5-10, 13, 14, 16 and 17** be considered for examination purposes and prosecution in this application. As indicated above, SEQ ID NOs: 5-10 are specific examples of the motif sequence of SEQ ID NO: 4, and are therefore structurally and functionally related. Applicants respectfully request, in addition to

In re Application of:

Hancock, et al.

Application No.: 10/661,471

Filed: September 12, 2003

Page 3

PATENT

Attorney Docket No.: UBC1180-2

SEQ ID NOS: 5-10, that SEQ ID NOS: 13, 14, 16 and 17 be considered since in most cases, up to ten allegedly independent and distinct nucleotide sequences will be examined in a single application without restriction.

However, in order to be fully responsive to the Office Communication, Applicants elect **Group V**, claims 93-110, drawn to methods of using SEQ ID NO: 7. Reconsideration of the application in view of these remarks is respectfully requested.

The Examiner is invited to contact Applicant's undersigned representative if there are any questions relating to this application.

Check number 584361 in the amount of \$1,080.00 is enclosed as payment for the five-month Petition for Extension of Time fee. No other fee is believed due in connection with the filing of this Response. However, if any other fee is required, authorization is hereby given to charge the amount of any such fee, or credit any overpayment, to Deposit Account No.

07-1896 referencing the above-identified attorney docket number. A duplicate copy of the Transmittal Sheet is enclosed.

Respectfully submitted,



Antony M. Novom, J.D.
Registration No. 45,517
Telephone: (858) 638-6641
Facsimile: (858) 677-1465

Date: January 9, 2007

DLA PIPER US LLP
4365 Executive Drive, Suite 1100
San Diego, California 92121-2133
USPTO CUSTOMER NO. 28213